

**FILED**UNITED STATES DISTRICT COURT  
ROSWELL, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

JUL 27 2018

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Tomas Feliciano FRANCISCO-Pedro  
Cristian GARCIA-Gutierrez  
Maximo GONZALEZ-Sebastian

Case No.

18 MJ 2422

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 26, 2018 in the county of Chaves in the  
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

8 U.S.C. 1324(a)(1)(A)(v)(I)

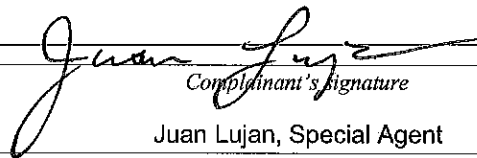
knowing an alien has come to the United States in violation of law, conceals, harbors, or attempts to conceal, harbor, or shield from detection, such alien in an any place, including any building or means of transportation

18 U.S.C. 1203

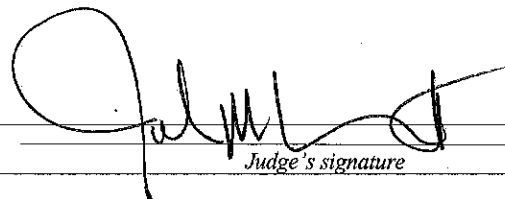
seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third person to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained, or attempts or conspires to do so

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.  
Complainant's signature  
Juan Lujan, Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 7-27-2018  
Judge's signatureCity and state: Roswell, New MexicoJoel M. Carson, Circuit Judge, sitting by designation  
Printed name and title

UNITED STATES OF AMERICA

V

Tomas Feliciano FRANCISCO-Pedro  
Cristian GARCIA-Gutierrez  
Maximo GONZALEZ-Sebastian

On July 25, 2018, Homeland Security Investigations (HSI) received information that illegal aliens were located at a residence on 505 South Cedar Avenue in Roswell, New Mexico. HSI initiated surveillance at the residence and noticed that windows at the front of the residence had reflective tint and there was no visibility inside the residence.

On July 26, 2018, HSI Special Agents received additional information that the illegal aliens at 505 South Cedar Avenue, Roswell, New Mexico were being threatened with injury and possibly death to either them or their families if their smuggling fees weren't immediately paid. Based on that information, HSI Special Agents along with local law enforcement, conducted a knock and talk at the residence. Upon knocking at the residence, an individual attempting to flee the residence through a rear window of the residence. The individual went back inside the residence upon seeing law enforcement officials. A short while later, thirteen (13) individuals exited the residence. HSI Special Agents, along with Immigration and Customs Enforcement Officers from Enforcement and Removal Operations, established that all thirteen (13) subjects were illegally present in the U.S.

One of the individuals informed HSI Special Agent Lujan that the person that smuggled them was driving a gold colored SUV. Agents informed Roswell Police Department of the description of the vehicle and the subject. Roswell Police Department Officers observed the vehicle and subject in the vicinity of the said residence and proceeded to stop the individual. HSI Special Agents arrested the subject, later identified as Thomas Feliciano FRANCISCO-Pedro, for further investigation. Two Guatemalan passports belonging to Maximo GONZALEZ-Sebastian and Everaldo VALENCIA-Jimenez were located in the vehicle FRANCISCO-Pedro was driving.

The aliens were read their Miranda rights in the Spanish language and proceeded to interview them. During questioning, the illegal aliens provided agents similar stories about their entry into the U.S. The aliens stated that they were led by a guide from Mexico to the El Paso, Texas, area. ~~The aliens stated upon crossing into the U.S., their faces were covered with shirts or told to only~~ look down at their feet and they were taken to an unknown hotel. From the hotel, the aliens stated there were told to lay down in the rear of a sports utility vehicle and they were covered with blankets and luggage. The aliens stated that from there they were transported directly to residence in Roswell, New Mexico. The aliens stated they were placed in a room within the residence and not allowed to leave the room. The aliens were told that if their smuggling fees weren't paid, they would be beaten and their families would be killed or hurt by the smugglers' associates in Mexico and Guatemala. The aliens stated that the smugglers told them they had they would be punished if they attempted to flee the residence and that they had surveillance outside of the residence. During the interview, the all the aliens identified Tomas Feliciano FRANCISCO-Pedro, Cristian GARCIA-Gutierrez, and Maximo GONZALEZ-Sebastian as the

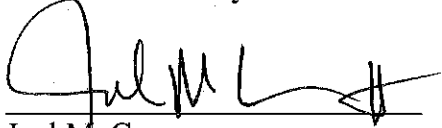
individuals guarding them at the residence located at 505 South Cedar Avenue, Roswell, New Mexico.

SA Lujan proceeded to interview FRANCISCO-Pedro. At approximately 8:42 p.m. SA Lujan advised FRANCISCO-Pedro of his Miranda Rights in the Spanish language. FRANCISCO-Pedro acknowledged in writing that he understood his Miranda rights and agreed to make a statement without the presence of an attorney. FRANCISCO-Pedro stated that he was just visiting his cousins, whom he only knew by their nicknames of Shakira and Cinco. FRANCISCO-Pedro identified Cristian GARCIA-Gutierrez by photograph as Cinco and Maximo GONZALEZ-Sebastian as Shakira. FRANCISCO-Pedro stated that his cousins were charging smuggling fees to the individuals at the residence but that he was not involved. FRANCISCO-Pedro stated that his cousins told him he could have some of the money since they knew he had no money. FRANCISCO-Pedro stated he had just picked a MoneyGram for \$767.00 U.S. dollars from a person that had sent money to one of the aliens at the residence.

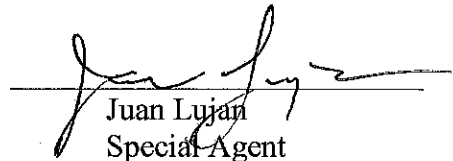
SA Lujan asked FRANCISCO-Pedro for consent to search his vehicle. FRANCISCO-Pedro gave consent to have his phone searched in writing. SA Lujan observed several text messages between FRANCISCO-Pedro and unknown individuals discussing money transfers indicative of alien smuggling.

This affidavit is intended to show that there is sufficient probable cause for the requested complaint and does not set forth all of my knowledge about this matter.

I make this affidavit on the basis of my personal knowledge, as well as the basis of information furnished to me by other law enforcement officers.



Joel M. Carson  
Circuit Judge, sitting by designation



Juan Lujan  
Special Agent